

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

DISPOSITION: April 3, 1953. A plea of nolo contendere having been entered by Defendant Holcomb and a plea of guilty by Defendant Stava, the court fined Defendant Holcomb \$50, plus costs, and Defendant Stava \$50.

4004. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Jacob Marcus (Shawmut Pharmacy). Plea of guilty. Fine of \$500 and sentence of 6 months in jail; jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 33798. Sample Nos. 6135-L to 6137-L, incl., 6140-L, 6187-L, 6192-L, 6194-L, 6277-L.)

INFORMATION FILED: February 5, 1953, District of Massachusetts, against Jacob Marcus, trading as the Shawmut Pharmacy, Boston, Mass.

ALLEGED VIOLATION: On October 29 and 31 and November 10, 12, and 13, 1951, while a number of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at the Shawmut Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be dispensed without a physician's prescription, which acts resulted in the drugs so dispensed being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the dispensed drugs failed to bear adequate directions for use; and, Sections 502 (b) (1) and (2), the *pentobarbital sodium capsules* and a portion of the *amphetamine sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the *amphetamine sulfate tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling of the *amphetamine sulfate tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: May 18, 1953. The defendant having entered a plea of guilty, the court fined him \$500 and sentenced him to serve 6 months in jail. The jail sentence was suspended, and the defendant was placed on probation for 2 years.

4005. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Henry C. Haeberle (Haeberle's Pioneer Drug Store). Plea of guilty. Fine of \$70, plus costs. (F. D. C. No. 33754. Sample Nos. 43992-L, 43998-L.)

INFORMATION FILED: January 30, 1953, District of Nebraska, against Henry C. Haeberle, trading as Haeberle's Pioneer Drug Store, Broken Bow, Nebr.

ALLEGED VIOLATION: On or about March 31, and April 8, 1952, while a number of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at Haeberle's Pioneer Drug Store, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *amphetamine sulfate tablets* failed to bear the common or usual name of each active ingredient of the tablets.

DISPOSITION: April 3, 1953. The defendant having entered a plea of guilty, the court fined him \$70, plus costs.

4006. Misbranding of pentobarbital sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Eugene Fred Scott (Scott's Decatur Pharmacy). Plea of nolo contendere. Defendant fined \$350 and place on probation for 2 years. (F. D. C. No. 34309. Sample Nos. 1747-L, 1755-L, 1757-L, 1760-L, 2003-L, 2008-L.)

INFORMATION FILED: April 17, 1953, Northern District of Georgia, against Eugene Fred Scott, trading as Scott's Decatur Pharmacy, Decatur, Ga.

ALLEGED VIOLATION: On or about December 13 and 24, 1951, and January 7, 8, and 14, 1952, while a number of *pentobarbital sodium capsules* and *dextro-amphetamine sulfate tablets* were being held for sale at Scott's Decatur Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), a portion of the repackaged *dextro-amphetamine sulfate tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and